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Attorney for Defendant/Counterclaim
 Plaintiff Data Retrieval Technology LLC

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16 SYBASE, INC., a Delaware Corporation, and
 INFORMATICA CORPORATION, a Delaware
 17 Corporation,

18 Plaintiffs,

19 vs.

20 DATA RETRIEVAL TECHNOLOGY LLC, a
 Delaware Corporation,

21 Defendant.

22 No.: C08-05481 VRW

23 **STIPULATION AND [PROPOSED]
 24 ORDER SELECTING ADR PROCESS**

1 Counsel report that they have met and conferred regarding ADR and have reached the
 2 following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

3 The parties agree to participate in the following ADR process:

4 **Court Processes:**

- 5 Non-binding Arbitration (ADR L.R. 4)
- 6 Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

7 *(Note: Parties who believe that an early settlement conference with a Magistrate Judge is
 appreciably more likely to meet their needs than any other form of ADR, must participate in an
 ADR phone conference and may not file this form. They must instead file a Notice of Need for
 ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

8 **Private Process:**

9 Private ADR (*please identify process and provider*): **Parties have agreed to
 10 participate in private mediation. Parties will further meet and confer regarding an agreed-
 upon private mediator.**

11 The parties agree to hold the ADR session by:

12 the presumptive deadline (*The deadline is 90 days from the date of the order
 referring the case to an ADR process unless otherwise ordered.*)

13 other requested deadline: **November 30, 2009.**

14 Dated: May 21, 2009

15 _____
 /s/ James A. Daire

16 James A. Daire, Counsel for Sybase, Inc., and
 Informatica Corporation

17 Dated: May 21, 2009

18 _____
 /s/ Wayne D. Porter

19 Wayne D. Porter, Counsel for Data Retrieval
 Technology LLC

1 **[PROPOSED] ORDER**

2 Pursuant to the Stipulation above, the captioned matter is hereby referred to:

3 Non-binding Arbitration
4 Early Neutral Evaluation (ENE)
5 Mediation

6 **X Private ADR**

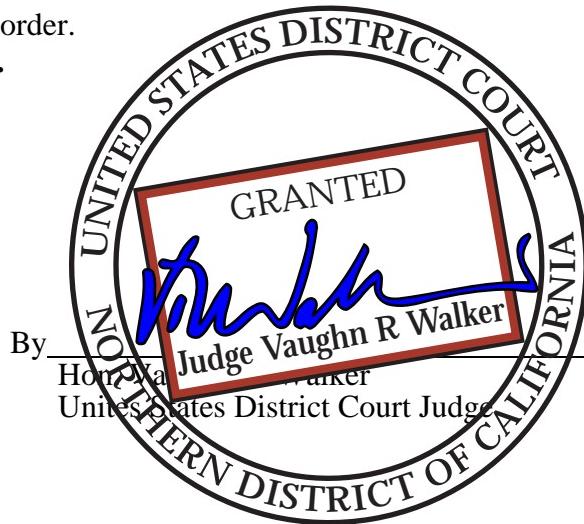
7 Deadline for ADR session

8 90 days from the date of this order.

9 **Other: November 30, 2009.**

10 IT IS SO ORDERED.

11 DATED: May 26, 2009.



Signature Attestation

I hereby attest that concurrence in the filing of this document has been obtained by the above named signatories.

James A. Daire

REED SMITH LLP
A limited liability partnership formed in the State of Delaware